

S.B. CIVIL WRIT PETITION NO.6802/2007.

Jagannath
Vs.
The MACT, Dholpur

Date of order : 4/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Dinesh Kumar Garg for the petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 1.6.2007 passed by the Motor Accident Claims Tribunal, Dholpur whereby his application for release of the amount of Rs.80,000/- of the FDR in the name of his deceased son Vijay has been rejected. Amount of compensation was awarded to the petitioner and his son on account of accidental death of his wife Saraswati.

Learned counsel for the petitioner has argued that the petitioner who is the father of deceased Vijay is in dire need of money and the insurance company can have no objection because in any case the insurance company has parted with the money. The learned Tribunal erred in law in refusing to release the aforesaid FDR in favour of the

petitioner who is the father of deceased Vijay.

In the facts of the case and keeping in view the quantum of the amount and the dire necessity of the petitioner, I deem it appropriate that the amount of FDR in the name of deceased Vijay should be allowed to be disbursed to the petitioner. It is, therefore, directed that the amount be disbursed with whatever interest it has earned so far to the petitioner.

With the above observation, the writ petition is allowed.

(MOHAMMAD RAFIQ), J.

skant/-